



Entered on Docket
November 04, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Objection Of USACM
Liquidating Trust To Proof Of Claim No.
10725-02064-2 Filed by Neil A. and
Josephine E. Xavier In The Amount of
\$51,625.00**

Hearing Date: October 18, 2011

Hearing Time: 1:30 p.m.

The Court having considered the Objection Of USACM Liquidating Trust To Proof Of Claim No. 10725-02064-2 filed by Neil A. and Josephine E. Xavier in the Amount of \$51,625.00 [DE 9130] (the "Objection") at the hearing held on October 18, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

IT IS ORDERED:

1. The Objection [DE 9130] is sustained; and

2. Proof of Claim No. 10725-02064-2 filed by Neil A. and Josephine E. Xavier
in the Amount of \$51,625.00 is disallowed in its entirety because is is based upon an
investment in the Marquis Hotel Loan, which loan was repaid by the borrower.

PREPARED AND RESPECTFULLY SUBMITTED BY:

LEWIS AND ROCA LLP

By /s/ John Hinderaker (AZ #018024)

Robert M. Charles, Jr.

John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respo nd to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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